

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:05CV32-P-B

MARQUET JOHNSON,

DEFENDANT.

SECOND ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant's May 31, 2005 Motion for Continuance. Upon due consideration of the motion, the court finds as follows, to-wit:

This matter is currently set for trial on June 6, 2005. The defendant's counsel avers that he has been unable to properly confer with his client and needs additional time in which to do so. The Government does not object to a continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from June 6, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's May 31, 2005 Motion for Continuance is hereby **GRANTED**;
- (2) Trial of this matter is continued until Tuesday, July 5, 2005 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from June 6, 2005 to July 5, 2005 is excluded as set out above;

(4) The deadline for filing pretrial motions is June 14, 2005; and

(5) The deadline for submitting a plea agreement is June 21, 2005.

SO ORDERED this the 1st day of June, A.D., 2005.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE